

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS - Allegation of corruption against Sri Md. Ashraf, Junior Assistant, O/o District Medical & Health Officer, Kadapa – convicted by the Hon'ble Trial Court – dismissed from service- Appeal filed by the Accused Officer – Appeal Allowed – SLP filed - Reinstatement into service pending out come of SLP – Orders – Issued.

HEALTH MEDICAL AND FAMILY WELFARE (VC1) DEPARTMENT

G.O.Ms.No.47

Dated: 12 -5-2015

Read the following:-

1. From the DG,ACB, Lr.Rc.No.78/RCT-TCD/2000, Dt.17-6-2000
2. From the DM&HO, Kadapa Proc.Rc.No.1358/C1/2000. Dt.3-6-2000
3. From the DG,ACB Lr.Rc.No.78/RCT-TCD/2000, Dt.13-11-2000
4. G.O.Ms.No.34, HM&FW (J2) Dept, Dt.20-01-2001
5. G.O.Rt.No.288, HM&FW VC1.1), Dept, Dtd.31-03-2003
6. Judgment Dt.23-8-2006 of the Spl.Judge for SPE & ACB Cases, Nellore in C.C.No.6 of 2001
7. G.O.Ms.No.795, HM&FW(VC1)Dept, Dt.4-10-2006
8. Crl.Appeal No.1218/2006 filed by Sri Md.Ashraf in the High Court of AP, Hyderabad.
9. Judgment of the High Court of AP, Hyd Date:26-6-2013 in Crl.Appeal No.1218/2006.
10. From the DG, ACB, AP, Hyd Rc.No.78/RCT-TCD/2000, Dt.30-12-2013
11. Govt.Lr.No.67/VC1(1)/2014, Dt.6-2-2014 addressed to the Spl.Officer O/o Advocate on Record, New Delhi
12. Representation Dt.14-8-2013 of Sri Md.Ahsraf
13. From the DG, ACB, AP, Hyd Rc.No.78/RCT-TCD/2000, Dt.26-9-2014.

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ORDER:

In the reference 1st read above the Director General, Anti Corruption Bureau has informed that Sri Md. Ashraf, Junior Assistant, Office of the District Medical & Health Office, Kadapa was trapped by the Anti Corruption Bureau officials on 3-6-2000 when he demanded and accepted an amount of Rs.650/- as bribe from the complainant for doing official favour. He was placed under suspension by the District Medical & Health Officer, Kadapa vide reference 2nd read above. In the letter 3rd read above, the Director General, Anti Corruption Bureau has recommended to prosecute the Accused Officer in a court of law under section 7 & 13 (2) read with 13 (1) (d) of Prevention of Corruption Act, 1988. Government after examining the matter, prosecution sanction orders were issued against the Accused Officer vide G.O 4th read above.

2. In the reference 6th read above, the Special Judge for SPE & ACB Cases, Nellore in its judgment on 23-8-2006 in CC No.6/2001 convicted the Accused Officer for the offence under section 7 of the P.C.Act,1988 and also sentenced to undergo RI for one year and to pay a fine of Rs.500/- for the offence under section 13 (2) read with 13 (1) (d) of PC Act,1988.

3. Government after examining the matter in the light of the Judgment dt.23.8.2006 have dismissed the Accused Officer from the Government Service vide reference 7th read above.

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4. Aggrieved by the above dismissal orders, the Accused Officer has filed Criminal Appeal No.1218/2006 in the High Court of A.P, Hyd vide ref 8th read above. In the reference 9th read above, the Hon'ble High Court has allowed the Criminal appeal on 26.6.2013 by setting aside the trial court judgment dt, 23.8.2006.

5. Government after examining the matter keeping in view the circumstances explained by the Director General, Anti Corruption Bureau, Hyderabad vide reference 10th read above, have requested the Special Officer, O/o the Advocate on records, New Delhi to file SLP before the Supreme Court of India against the orders dt.26.6.2013 of the Hon'ble High Court of AP vide reference 11th read above.

6. In the ref 12th read above, Sri Md. Ashraf, has submitted a representation to the Government requesting for issue posting as Junior Assistant, in Kadapa district and to treat the suspension period as on duty as the Hon'ble High Court has acquitted him from the charges.

7. Government after careful examination of the matter in the light of the acquittal judgment dt. 26.6.2013 of the Hon'ble High Court in Criminal Appeal No.1218/2006 have decided to reinstate Sri Md. Ashraf, as Junior Assistant and to post him in a non focal post in Kadapa District pending out come of SLP before the Supreme Court of India and also decided that the decision on the absence period of the individual will be taken on receipt of the orders of the Supreme Court of India in the pending SLP filed by the Government.

8. Accordingly Government hereby order to reinstate Sri Md. Ashraf, as Junior Assistant and to post him in a non focal post in Kadapa district pending out come of SLP pending before the Supreme Court of India and to treat the absence period on receipt of the orders in the SLP pending before the Supreme Court of India filed by the Government.

9. The Director of Public Health & Family Welfare, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

L.V. SUBRAHMANYAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri Md. Ashraf, Junior Assistant through Director of Public Health & Family Welfare, A.P., Hyderabad

The Director of Public Health & Family Welfare, A.P., Hyderabad.

Copy to:

The Director General, Anti Corruption Bureau, A.P., Hyderabad.

The Secretary to Vigilance Commission, Andhra Pradesh Vigilance Commission, Hyderabad.

Sf/Sc

// FORWARDED :: BY ORDER//

SECTION OFFICER